

Funds derived directly from trust lands, restricted fee lands, or trust resources that are presented to the Secretary, on behalf of the tribe or individual Indian owner(s) of the trust asset, by the payor after being mailed to the owner(s) as required by contract (i.e., direct pay) and returned by mail to the payor as undeliverable	✓	✓	✓		✓
---	---	---	---	--	---

[66 FR 7094, Jan. 22, 2001. Redesignated at 66 FR 8768, Feb. 2, 2001]

**§ 115.703 May we accept for deposit into a trust account money not specified in § 115.702?**

No, we will not accept funds from sources that are not identified in the table in § 115.702 for deposit into a trust account.

**§ 115.704 May we accept for deposit into a trust account retirement checks/payments or pension fund checks/payments even though those funds are not specified in § 115.702?**

No, we will not accept retirement checks/payments or pension fund checks/payments or any funds from sources that are not identified in the table in § 115.702 for deposit into a trust account.

**§ 115.705 May we accept for deposit into a trust account money awarded or assessed by a court of competent jurisdiction?**

We will accept money awarded or assessed by a court of competent jurisdiction for a cause of action directly related to trust assets to be deposited into a trust account. Other funds awarded by a court of competent jurisdiction may not be deposited into a trust account.

**§ 115.706 When funds are awarded or assessed by a court of competent jurisdiction in a cause of action involving trust assets, what documentation is required to deposit the trust funds into a trust account?**

When funds are awarded or assessed by a court of competent jurisdiction in a cause of action involving trust assets, we must receive the funds awarded as stipulated in the court order and a copy of the court's order.

**§ 115.707 Will the Secretary accept administrative fees for deposit into a trust account?**

No. The Secretary will not accept administrative fees for deposit into a trust account because administrative fees are not trust funds. However, administrative fees may be deposited into a non-interest bearing, non-trust account with the BIA.

**§ 115.708 How quickly will trust funds received by the Secretary on behalf of tribes or individual Indians be deposited into a trust account?**

Trust funds received by the Secretary on behalf of a tribe or individual Indians will be deposited into a trust account within twenty-four hours, or no later than the close of business on the next business day following the receipt of funds at a location with a designated federal depository.

**§ 115.709 Will an annual audit be conducted on trust funds?**

Yes, in accordance with the Trust Reform Act an annual audit will be conducted on trust funds. Each tribe and IIM account holder will be notified when the Secretary has conducted an annual audit on a fiscal year basis of all the trust funds held by the United States for the benefit of tribes and individual Indians. This notice will be provided in the first quarterly statement of performance following the publication of the audit.

## Bureau of Indian Affairs, Interior

## § 115.806

### INVESTMENTS AND INTERESTS

#### **§ 115.710 Does money in a trust account earn interest?**

Yes, all money deposited in a trust account is invested and earns interest or yield returns, or both.

#### **§ 115.711 How is money in a trust account invested?**

OTFM manages trust fund investments and its investment decisions are governed by federal statute. See 25 U.S.C. §§ 161(a) and 162a.

#### **§ 115.712 What is the interest rate earned on money in a trust account?**

The rate of interest on a trust account changes based on how the money is invested and how those investments perform.

#### **§ 115.713 When does money in a trust account start earning interest?**

Funds must remain on deposit at least one business day before interest is earned. Interest earnings of less than one cent are not credited to any account.

### **Subpart G—Tribal Accounts**

#### **§ 115.800 When does OTFM open a tribal account?**

A tribal account is opened when OTFM receives income from the sources described in § 115.702.

#### **§ 115.801 How often will a tribe receive information about its trust account(s)?**

The OTFM is required to provide each tribe with a statement of performance quarterly, within or no later than 20 business days after the close of every quarterly statement period.

#### **§ 115.802 May a tribe make a request to OTFM to receive information about its trust account more frequently?**

Yes, a tribe may contact OTFM at any time to:

- (a) Request information about account transactions and balances;
- (b) Make arrangements to access account information electronically; or
- (c) Receive a monthly statement.

#### **§ 115.803 What information will be provided in a statement of performance?**

The statement of performance will identify the source, type, and status of the trust funds deposited and held in a trust account; the beginning balance; the gains and losses; receipts and disbursements; and the ending account balance of the quarterly statement period.

#### **§ 115.804 Will we account to a tribe for those trust funds the tribe receives through direct pay?**

No, under the Trust Reform Act we are only responsible for accounting for those trust funds received into, and maintained by, the Department's trust funds management system.

#### **§ 115.805 If a tribe is paid directly under a contract for the sale or use of trust assets, will we accept those trust funds for deposit into a tribal trust account?**

If a contract for the sale or use of trust assets specifies that payments are to be made directly to a tribe, we will not accept these trust funds into a tribal trust account. Where a tribe under 25 U.S.C. 450f *et seq.* has contracted or compacted with the federal government to operate a federal program and the tribe, operating the federal program on behalf of the Secretary, receives trust funds for the sale or use of trust assets pursuant to a contract that specifies that payments are to be made to the Secretary on behalf of a tribe or an individual [the owner of the trust assets], the tribe must follow § 115.708 for the deposit of the trust funds into the trust account.

#### **§ 115.806 How will the BIA assist in the administration of tribal judgment fund accounts?**

(a) If the tribe requests assistance or if Congress directs the Secretary to provide assistance, BIA will provide technical assistance on developing a judgment use and distribution plan to a tribe.

(b) BIA will review all tribal requests for distribution of tribal judgment funds to ensure that each request complies with any requirements associated with the use of that money found in